

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:)
MEARS ET AL.)
)
Serial No. **10/717,370**) Examiner R. Kunemund
Confirmation No. **6723**)
Filing Date: **NOVEMBER 19, 2003**) Art Unit: 1722
)
For: **METHOD FOR MAKING SEMICONDUCTOR**) Attorney Docket:
 DEVICE INCLUDING BAND-) 62603_CON2
 ENGINEERED SUPERLATTICE)
)

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER PRIOR PATENTS
AND CO-PENDING PATENT APPLICATIONS**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, RJ Mears, LLC, having a mailing address of 1100 Winter Street, Suite 4700, Waltham, MA 02451, a Delaware corporation, certifies that it is the assignee of the entire right, title and interest in patent application Serial No. 10/717,370 identified above (hereinafter "the '370 Patent Application") by virtue of an assignment from the inventor thereof and has remained owner of all right, title and interest from the time of filing the original Assignment to the present and has remained owner of all right, title and interest from the time of filing the original Assignment in parent application Serial No. 10/603,621 filed June 26, 2003. The Assignment was recorded in parent on November 6, 2003, at Reel 014674, Frame 0623. The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee.

In re Patent Application of:

MEARS

Serial No. **10/717,370**

Filed: **11/19/03**

Attorney Docket: **62603_CON2**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the '370 Patent Application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent Nos. 6,830,964 and 6,833,294; and of any patents granted on co-pending applications 10/936,920 and 10/936,933. Petitioner hereby agrees that any patent so granted on the '370 Patent Application shall be enforceable only for and during such period that it and the '964 and '294 Patents and the '920 and 933 Patent Applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the Grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the prior patents, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

For submission on behalf of Assignee, the undersigned is the attorney of record.

In re Patent Application of:

MEARS

Serial No. 10/717,370

Filed: 11/19/03

Attorney Docket: 62603_CON2



The Commissioner is hereby authorized to charge the small entity fee in the amount of \$65.00 to the credit card noted in the attached credit card payment form PTO-2038.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Regan", written over a horizontal line.

CHRISTOPHER F. REGAN

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: COMMISSIONER OF PATENTS AND TRADEMARKS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, on this 15th day of June, 2005.

A handwritten signature in black ink, appearing to read "Justin G. [unclear]", written over a horizontal line.